

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DON L. MCKINNEY, JR.,

4 Plaintiff

5 v.

6 ARGENIS VALENTIN-REYES, et al.,

7 Defendants

Case No.: 2:22-cv-01644-APG-BNW

**Order Accepting Report and
Recommendation and Dismissing Case**

[ECF No. 12]

8 On July 5, 2023, Magistrate Judge Weksler recommended that I dismiss this case without
9 prejudice because the plaintiff has not filed the USM-285 forms to complete service as ordered.
10 ECF No. 12. Plaintiff Don McKinney, Jr. did not object. Thus, I am not obligated to conduct a
11 de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district
12 courts to “make a de novo determination of those portions of the report or specified proposed
13 findings to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th
14 Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s findings and
15 recommendations de novo *if objection is made*, but not otherwise” (emphasis in original)).

16 I THEREFORE ORDER that Magistrate Judge Weksler’s report and recommendation
17 (ECF No. 12) is accepted, and plaintiff Don McKinney, Jr.’s third amended complaint (ECF No.
18 9) is dismissed without prejudice. The clerk of court is instructed to close this case.

19 DATED this 27th day of July, 2023.

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21 ANDREW P. GORDON
22 UNITED STATES DISTRICT JUDGE
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